

**REMARKS**

Claims 1-25 and 31-39 are pending herein, with Claims 1, 25, 31, and 32 being independent claims. Claims 1-6 and 9-25 are rejected; Claims 7 and 8 are objected to; and Claims 31-39 are withdrawn. Claims 15 and 16 are cancelled herein.

**Election/Restriction**

Restriction was required between two groups of claims: Claims 1-25, drawn to a milk foaming device, and Claims 32-39 drawn to a beverage system and sanitizing unit. (Claim 31 was previously restricted.) The Applicant affirms the election of Claims 1-25. Claims 31-39 are withdrawn without prejudice to a possible divisional application or other action.

**35 U.S.C. § 102:**

Claims 1, 4-6, 9, 10, 12-15, 20, 21, and 25, were rejected under 35 U.S.C. §102(b) as being anticipated by German Patent No. DE4445436 to Bauer. Bauer was described as showing a milk source, an air inlet system, a steam inlet system, a mixing area, and an expansion area.

The Applicant has amended independent Claims 1 and 25 with the limitations of dependent Claims 15 and 16. Specifically, that the mixing area includes a hollow nozzle block with a mixture nozzle positioned therein. The Applicant respectfully asserts that the amendments made herein overcome the rejection.

The use of the hollow nozzle block with a mixture nozzle is shown in Figs. 2 and 3. Fig. 2 shows the nozzle body 240. The nozzle body 240 defines the hollow mixing area 310. Positioned within the mixing area 310 is the nozzle insert 300. The nozzle insert 300 also is shown in Fig. 3. As is described in the specification:

The insertion of a nozzle insert **300** may create an annular region between the inner wall **250** of the nozzle body **240** and the nozzle insert **300**. The annular region defines the mixing area **310** for the milk, air, and steam. In the mixing area **310**, the milk, air, and steam become intimately mixed so as to increase the efficiency of the system.

Bauer, however, shows no such nozzle insert positioned within a hollow nozzle block.

Rather, Bauer shows what appears to be a conventional nozzle, not an aid for mixing. The Applicant thus submits that independent Claim 1 and 25, and the dependent claims thereon, are patentable over the cited reference.

**35 U.S.C. § 103:**

Claims 2, 3, and 22-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bauer in view of U.S. Patent No. 5,549,036 to Hourizadeh. The Applicant respectfully traverses the rejections for the reasons given above.

Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bauer in view of U.S. Patent No. 5,526,841 to Detsch, et al. The Applicant respectfully traverses the rejections for the reasons described above.

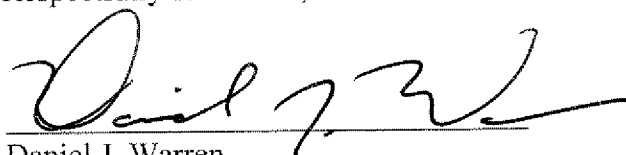
Claims 16-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bauer in view of U.S. Patent No. 4,731,133 to Paoletti. In addition to the reasons described above, the Applicant respectfully traverses the rejection on the grounds that Paoletti lacks a mixture nozzle within a hollow nozzle block, a mixture nozzle with a number of protrusions, and a replaceable nozzle. Specifically, Paoletti in no way shows any type of hollow nozzle block or any type of mixture nozzle, i.e., a target for the mixing of the milk, air, and steam. Rather, Paoletti simply shows a vacuum chamber D formed between the pipe 1 and the sleeve 10. Instead of the

separate source of steam, Paoletti uses the steam pipe 1 to define the chamber D. The Applicant thus submits that the claims are patentable over the cited references.

### **CONCLUSION**

The Applicant believes it has responded to each matter raised by the Examiner. Allowance of all claims is respectfully solicited. Any questions may be directed to the undersigned at 404-853-8028.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel J. Warren", written over a horizontal line.

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